

Ключевые слова: Владимирский-Буданов М. Ф., государство, Давняя Русь, история права, славянское право, литовско-русское право, территория, нация.

Derkachova N. Legal research in the writings of M. F. Vladimirovsky-Budanov.

The article analyzes and shows the formation and development of the eminent scientist, historian law M. F. Vladimirovsky-Budanov on the establishment and development of the state and law in the territory of Ukraine in the times of Ancient Russ.

Keywords: M. F. Vladimirovsky-Budanov, legal history, the state, Ancient Russ, Slavic law, Lithuanian-Rus, the territory, nation.

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INCLUSION OF WEST-UKRAINIAN LANDS INTO THE USSR IN 1939 (HISTORICAL AND LEGAL RESEARCH)

This article describes an including of Western Ukrainian lands to the USSR, and particularities of the control establishing over these territories. Documents which settled an accession of these territories were analyzed. The administrative divisions of these territories are viewed.

Keywords: administrative divisions, the Western Ukrainian lands, the border of the USSR, the Ukrainian SSR.

1939 was the beginning of a new epoch not only for the Ukrainian but also for the whole Europe. Events that led to World War II happened exactly at this time. The Soviet-German non-aggression pact was signed in August 23, 1939, specifying, that Western Ukrainian lands (which extended up to the San river) were included "in case of territorial and political changes" to the "sphere of influence" of the USSR [1, p. 16]. Thus, the Soviet Union together with Germany had to participate in the division of Poland, despite the fact that the treaty, which was signed "for all time" in Riga between the USSR and Poland in March 18, 1921, both sides announced about a rejection of any mutual territorial demands [2, p. 73]. Moreover, the Soviet Union broke the non-aggression pact, signed with Poland in July 25, 1932 [2, p. 73]. "Pravda" newspaper was reported in August 30 that in view of the worsening of the situation in the Eastern Europe and the possibility of all sorts of surprises, Soviet military commanders decided to reinforce the strength of its garrison at the western borders [3, p. 151]. And as soon as September 10, 1939 German Ambassador Count Schulenburg had the official meeting with V. Molotov, who asked that the Germans would attack primarily, and then the Soviet government would declare about its help to the Ukrainian and Belarus who were under the threat of Germany. In September 17, 1939 at 2 AM J. Stalin in the presence of K. Voroshilov and V. Molotov made a statement to V. Schulenburg that the Red Army pass the border with Poland at the dawn.. But an hour later

the Polish Ambassador V. Grzybowski was invited to the People's Commissariat for Foreign Affairs, whom the text of the note, prepared with the participation of both Soviet and German sides, was declared. J. Stalin personally participated in the process of writing and editing of the note, and V. Schulenburg from the side of Germany [4, p. 15].

In the note, read by the Deputy Commissar V. Potemkin, it was stated that the Polish-German war has revealed the internal failure of the Polish state. Within a short time Poland has lost its industrial and cultural centers as a result of military operations. Warsaw, as the capital of the state, existed no more (here it should be noted that defenders of Warsaw surrendered only on September 28, 1939 [2, p. 73]), the Polish government "collapsed and showed no signs of life". Due to the note of the authors, it means that the Polish state and its government ceased to exist. The Soviet government can not be indifferent to that consanguineous Ukrainian and Belarusian nations, living in Poland, were abandoned and stayed defenseless. Therefore, the Soviet government had to offer the Red Army military officers to give the order to cross the border and take lives and property of the population of Western Ukraine and Western Belarus under their protection. The note furtherly stated that "while the Soviet government intends to take steps to liberate the Polish people from unhappy war, where they was drawn by unreasonable supervisors, and to allow the Polish people to have a peaceful life".

The Polish ambassador refused to accept the note and strongly protested the assessment of the Polish state and military situation as a justification for the invasion of Poland. In particular, he said that none of the arguments presented by the Soviet side to justify the transformation of the Polish-Soviet agreements in blank paper, does not hold water. V. Grzybowski pointed that he had a reliable information about the head of the state and government who are situated on the territory of Poland. The sovereignty of the state is existing until the soldiers of the regular army are fighting the enemy. The fact that the note refers to the situation of national minorities is absurd. By their actions all minorities demonstrate full solidarity with Poland in the fight against Germany. The ambassador V. Potemkin said: "In our conversations you have pointed many times about Slavic solidarity. At the moment, not only Ukrainian people and Belarusian nation are fighting alongside us against Germany, but also Czech and Slovak legions. Where has your Slavic solidarity gone? He cited the example from Russian history: Napoleon entered Moscow, but while there were the army of Kutuzov Russia was thought to exist" [4, p. 16].

Despite the arguments of V. Grzybowski, Polish-Soviet border was crossed by the Red Army on September 17, 1939. Almost without resistance, the army came in Rivno, Dubno, Ternopil, Colomia on September 17, 1939, in Sarny, Lutsk, Stanislav in September 18 and 19, in Lviv on September 20-22 [5, p. 66].

The Soviet-German treaty of friendship and border was signed on September 28, 1939 in Moscow. The USSR reached the territory of Western Ukraine and Western Belarus (200 thousands of square kilometers and a population of 13.2 million, and Germany got ethnic Polish lands with dimensions of 190 thousands of square kilometers and population of 22.1 million [1, p. 16]). Volyn, Ternopil, Stanislavsky and most of the Lviv Province became part of the USSR [5, p. 69]. Soviet border with Germany amounted 1952 kilometers, which is 506 kilometers larger than with Poland (from Marinovo village, which is the southern point of the Soviet border with Latvia, to Kazachuvka village which is the northern point of the Soviet-Romanian border) [6, p. 54].

By the right observes of V. Kucher, having given to Germany such native Ukrainian lands as Nadsianina, Peremyshlianshchyna, Kholmshchyna (almost 15 thousand of square km.), J. Stalin challenged the assertion that the Soviet Union had entered the war against Poland to protect the Ukrainian and Belarusian [4, p. 19]. According to A. Lipkan, J. Stalin gave these territories, with the population of 1.2 million people, to Germany in exchange for Lithuania [5, p. 71].

On September 17, 1939 Ukrainian Front Command received a memo prepared by the Kremlin, which, particularly, announced the need of convening of the National Assembly, which had to decide on the entry of Ukrainian regions of the USSR. On October 1, 1939 a detailed decision of the Political Bureau of the CPSU (b), which set out a detailed script, time, location and duration of the People's Assembly of Western Ukraine was adopted.[1, p. 48]. The First Secretary of the CPSU (b) M. Khrushchev was instructed by the Politburo to prepare a Declaration for adoption by the deputies of the National Assembly on behalf of the province's population. On October 6, 1939 Ukrainian Military Front Council has set the election day for People's Assembly of Western Ukraine (it was October 22), and the day of convocation (26 October 1939). It also approved "Regulations on elections to the Ukrainian People's Assembly of Western Ukraine" [1, p. 49]. Regulations allowed to include to the lists of voters not only residents of Western Ukraine, but those who lived there temporarily. It made possible to be a member of the electoral process (it means to elect and be elected) all who had sent by the CC CP(b) U to work in Western Ukraine, it means people who were citizens of another state at that time. In addition, by the points of W. Kovaliuk, only one candidate had to be listed to the ballot, and the whole process of nomination and registration of candidates took only 4 days. Moreover, candidates of MPs were selected in advance by the authorities [7, p. 13].

It is difficult to say how many deputies were citizens of the Soviet Union, not because, according to S. Kondratiuk, lists of elected deputies in the archives have not discovered yet. However, relating to the researcher, at least 98 deputies who testified in the questionnaires that they belonged to the All-Union Communist Party of Bilshovyks were citizens of the Soviet Union. According to newspaper reports, all heads of regional and district temporary directorates, sent from the East, were nominated deputy. In general, according to S. Kondratiuk over 10 thousands of visiting agitators participated in the preparation of the elections. In addition, on October 3, 1939 all members of military councils and chiefs of political directorates of Ukrainian Front obtained the order of the Political Department Chief of the Red Army L. Mehlis, under which the political bodies of military units undertook to assist in holding meetings and protests. As a result the 6th Army sent 3,120 people to conduct the agitation and 12th Army gave 2876 people.[1, p. 54]. CC CP (b) U immediately created houses of propaganda and agitation in Lviv and other cities of Western Ukraine. The scale of propaganda campaign the following information can support: in Lviv 9 protests was hold on October, 10, 40 strikes was hold on October 16, and more than 20 at the next day. It used all available means of propaganda: moving loudspeakers, phonographs, military art groups. By their participation concerts, dances and games were organized [1, p. 54].

In addition, everything possible was done to prevent the nomination and registration as potential candidates that who have caused a suspicion in disloyalty, and recent party activists. So when the merchants of Rivne city and peasants of Novoselytsia village of Dyatkivsk district (volost) of Lviv region offered their nominations, they were unacceptable

to the government, and they simply was not registered. And elected against the authorities in Kamianka village (Ternopil region), the candidate did not get to the city. Obviously, as S. Kondratiuk suggested, he was executed by the People's Commissariat for Internal Affairs (NKVD) [1, p. 56]. In general, the list of registered candidates was as following: 98 members of the All-Union Communist Party (b) (i.e. citizens of the USSR), 81 former members of CPWU only 51 representatives of other, no longer existing parties, the rest 1265 people were non-party [1, p. 56]. So it was not surprising that the population of Western Ukraine in protest refused to participate in elections. However, this behavior did not remain unpunished by the Soviet authorities. For example, residents of the Lanchyn village (Stanislav province), who refused to vote en masse, were repressed [1, p. 58]. In addition, each of the 1,495 constituencies were registered only one candidate, which made elections uncontested. Moreover, S. Kondratiuk draws an attention to the manipulation of votes during counting and pressure on voters by the repression of the unwanted. There were even cases of physical coercion for the delivery of voters on election day. There were also tragicomic situation. Yes, the election commission secretary of Orelets village (Sniatynsk county, Stanislav region) I. Pavlyuk recalls that an hour before the end of the voting the attached party worker Diachenko (with easterners) came to him and asked how many voters did not vote. Having found that there were 66, he asked that number of ballots. Hoping that he would go with them to those who had not come to the polling station, Pavliuk gave him a specified amounts. Diachenko has issued them and thrown into the urn, explaining that if there was a good result, he would not be transferred from the candidate to the member of All-Union Communist Party (b) [1, p. 60].

As a result of 1484 elected members there were virtually none of the former activists of Ukrainian, Polish and Jewish political parties, elected to the National Assembly. Moreover, the preserved documents of the National Assembly showed that none of the deputies wrote their speeches. N. Bazhan, for example, prepared speeches of Didiuk, Velchynska, Tomashevych, Terpyliak, Kih, Shkalubyna [1, p. 62].

Evaluating the process of reunification of the two Ukrainian lands, a direct participant of these events, O. Dovzhenko wrote in his diary that "the Ukrainian people.

To evaluate what the election results could be in the case of complying with all democratic norms, as S. Kondratiuk says, it is almost impossible now [1, p. 60]. However, V. Makarchuk suggests that changing the international legal status of Western Ukraine and Western Belarus de jure occurred not because debellation, although international law of the time provided such kind of the opportunity. The change was the result of the will of local people, carried out during the plebiscite in the form of People's Assembly of Western Ukraine and Western Belarus. A prosecution of the alleged illegitimate nature of these plebiscites should be rejected as unfounded [9, p. 24]. The researcher insists that in assessing the results of the Western Ukraine plebiscite main attention should be paid not on breaches of certain procedural requirements but the actual will of the population [9, p. 25]. Then he continues: "In general, there is no doubt that on October 1939 the majority of the local population (it is not only Ukrainian and Belarusian people, but, at least partially, of the Jews and Poles) sought reunification with Soviet Ukraine, perhaps, without realizing all subsequent consequences of that decision. From his point of view, recognition of the legitimacy of the results and decisions of the People's Assembly of Western Ukraine and Western Belarus means the recognizing of the legal validity of decisions of Supreme Soviet

of the USSR and appropriate Union Republics about the inclusion of regions where the referendum was held. [9, p. 25]. On October 27, 1939 the National Assembly, after Professor K. Studynskiy had opened it, adopted the Declaration on the establishment of Soviet power in Western Ukraine [10, p. 31]. It declared: "Expressing the unanimous will of the released people of Western Ukraine, following the example of the peoples of the Soviet Union, the Ukrainian People's Assembly proclaimed the establishment of Soviet power throughout the Western Ukraine." At the same day, the People's Assembly of Western Ukraine adopted the Declaration on the reunification of Western Ukraine SSR: "To ask the Parliament to accept Western Union Soviet Ukraine in the Union of Soviet Socialist Republics, to include West Ukraine to the Ukrainian Soviet Socialist Republic and in such way to unite Ukrainian people into one state, to put an end to centenary disassociation of Ukrainian people "[1, p. 63]. And on November 1, 1939 at the session of the Supreme Soviet they unanimously passed a law on the inclusion of Western Ukraine to the Soviet Union and its reunion with the Ukrainian Soviet Socialist Republic. And on November 14, 1939 an extraordinary third session of the Supreme Soviet adopted a law on the inclusion of Western Ukraine into the USSR [1, p. 65].

As a result, the question of the border between the USSR and Belarus on the newly joined lands arose. By the decree of November 1, 1939 Soviet Supreme Council ordered the Supreme Councils of Belarus and the USSR to prepare a project of the separation of western regions and districts between the USSR and Belarus [11, p. 309]. Ukrainian people first sent to the Central Committee of the CC All-Union CP(b) their proposals. According to this document Brest, Pruzhany, Pinsk, Stalin, Kobrin, Luninets and most part of the Bilovezka Forest had to move away to Ukraine. On November 19, 1939 the issue was considered at a meeting of the CC CP (b) U, which has decided to draw a boundary line on the former Minsk and Grodno provinces with Volyn [11, p. 313]. Before the final decision about the border J. Stalin had met with leaders of republics. The controversy ensued between the aforementioned and J. Stalin decided it. As Mr. Ponomarenko recalled, Stalin marked that the Belarusian side offered more true. And then he asked M. Khrushchev, whether he insisted on its proposals in connection with the fact that the USSR was less of the forest? M. Khrushchev confirmed this. Then J. Stalin marked on a map that part of the forest, which the USSR highlighted [12, p. 156]. On December 4, 1939 the it was approved the decree of the Presidium of the Soviet Supreme Council on the separation areas between the USSR and BSSR [12, p. 314]. At the same day it was also adopted the Decree of the Presidium of the Supreme Soviet of the USSR "On the organization of Volyn, Drogobych, Lviv, Rivne, Stanislav, Tarnopilia regions in the Ukrainian SSR".

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Губань Р., Семендяй А. Вхідження Західно-Українських земель до складу УРСР в 1939 р. (історико-правове дослідження).

В статті описуються передумови входження Західно-Українських земель до складу УРСР та особливості встановлення контролю над цими територіями. Аналізуються документи, якими було врегульоване приєднання цих територій. Розглядається адміністративно-територіальний устрій цих територій.

Ключові слова: адміністративно-територіальний устрій, Західно-Українські землі, кордон, СРСР, УРСР.

Губань Р., Семендяй А. Вхождение Западно-Украинских земель в состав УССР в 1939 г. (историко-правовое исследование).

В статье описываются предпосылки вхождения Западно-Украинских земель в состав УССР и особенности установления контроля над этими территориями. Анализируются документы, которыми было урегулировано присоединения этих территорий. Рассматривается административно-территориальное устройство этих территорий.

Ключевые слова: административно-территориальное устройство, Западно-Украинские земли, граница, СССР, УССР.